

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOEL JENNINGS WARNE,

Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

Case No.16-cv-06773-JSC

**ORDER RE: SCHEDULING AND CASE  
MANAGEMENT**

The parties appeared for a further Case Management Conference on September 28, 2017.  
This Order confirms the matters discussed at the hearing.

**1. Deposition Scheduling**

Plaintiff's deposition shall take place in the Court's jury room on January 3, 2018.  
Defendants have offered to make Dr. Yeh available for deposition on January 4, Dr. Tenner  
available on January 5, and Dr. Murphy available on January 8. On or before Friday, October 6,  
2017, Plaintiff shall confirm with Defendants in writing that he intends to proceed with these  
depositions on these dates. All of these depositions will occur in the Court's jury room.  
Defendants the City and County of San Francisco and Officer Gomez shall endeavor to make  
Officer Gomez available for deposition the week of January 8 as well and shall notify Plaintiff on  
or before October 4, 2017 as to which date(s) that week he is available.

On or before October 3, 2017, Plaintiff shall confirm when his sister, Elysia Warne Elrod,  
and his mother, Bonnie Gay Jennings, will be available to be deposed in Tyler, Texas. Plaintiff

1 has agreed that his sister may be deposed as a percipient witness. Ms. Elrod was previously  
2 subpoenaed to appear for her deposition in Tyler, Texas on October 23, 2017; Plaintiff shall  
3 endeavor to make Ms. Elrod available for deposition on this date and her deposition shall be no  
4 more than three hours. Plaintiff has accepted service of Ms. Jennings's subpoena and she shall be  
5 deposed the same day as Ms. Elrod or the following day.

6 **2. Written Discovery**

7 Defendants shall provide Plaintiff with the audio file of Ms. Elrod's two 911 calls on or  
8 before October 13, 2017.

9 **3. Plaintiff's Motion to File a Fourth Amended Complaint (Dkt. No. 189)**

10 At the hearing, the Court set the following briefing schedule on Plaintiff's motion to  
11 amend: Defendants' opposition is due October 9, 2017 and any reply is due October 16, 2017.  
12 Plaintiff has subsequently emailed the Courtroom Deputy to state his intention to withdraw the  
13 motion to amend. As the Court has repeatedly advised Plaintiff, it is improper to email the  
14 Courtroom Deputy regarding such substantive matters. If Plaintiff wishes to withdraw his motion,  
15 on or before October 3, 2017, he shall electronically file a motion withdrawing his motion to  
16 amend.

17 **4. Plaintiff's Motion to Compel re: the DMV Subpoena (Dkt. No. 190)**

18 Plaintiff shall re-file the motion in accordance with the local rules and ensure that he  
19 provides the DMV with notice of the motion.

20 **5. Plaintiff's Fourth Motion for Sanctions (Dkt. No. 188)**

21 The motion is denied. Plaintiff has withdrawn his objection to his sister's deposition and  
22 agreed to make her available for deposition. Further, Defendants did meet and confer with Plaintiff  
23 to attempt to schedule the deposition.

24 **6. Case Management Deadlines**

25 The deadline for fact discovery is March 1, 2018.

26 The deadline for hearing motions for summary judgment is May 17, 2018.

27 The parties shall appear for a further Case Management Conference on October 25, 2017 at  
28 11:00 a.m. in Courtroom F, 450 Golden Gate Ave., San Francisco, California. Updated Case

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Management Statements are due October 23, 2017.

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This Order disposes of Docket Nos. 188 and 190.

**IT IS SO ORDERED.**

Dated: September 29, 2017

  
JACQUELINE SCOTT CORLEY  
United States Magistrate Judge